

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
IVETTE CLARKE, :  
Plaintiff, :  
: 20 Civ. 2377 (LGS)  
-against- :  
: ORDER  
ANDREW M. SAUL, COMMISSIONER OF :  
SOCIAL SECURITY, :  
Defendant. :  
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 18, 2020, Plaintiff filed a complaint pursuant to § 205(g) of the Social Security Act (the “Act”), as amended, 42 U.S.C. § 405(g) seeking review of the decision by the Commissioner of the Social Security Administration (the “Commissioner”) denying her application for Supplemental Security Income under the Act.

WHEREAS, on March 23, 2020, this matter was referred to Magistrate Judge Sarah L. Cave for a report and recommendation on any motion for judgment on the pleadings.

WHEREAS, on May 26, 2021, Judge Cave issued a Report and Recommendation (the “Report”), recommending that Plaintiff’s motion (Dkt. No. 22) for judgment on the pleadings be granted, the Commissioner’s motion (Dkt. No. 24) be denied, the Commissioner’s decision denying benefits be vacated and this matter be remanded to the agency for further proceedings.

WHEREAS, as stated in Judge Cave’s Report, the deadline for any objections was fourteen days from service of the Report.

WHEREAS, no objections were timely filed.

WHEREAS, in reviewing a Magistrate Judge’s report and recommendation, a District Judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made

by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *accord U.S. Sec. and Exch. Comm’n v. Skelley*, No. 18 Civ. 8803, 2021 WL 1164594, at \*1 (S.D.N.Y. Mar. 26, 2021).

WHEREAS, the Court finds no clear error on the face of the record as to Judge Cave’s recommendation. It is hereby

**ORDERED** that the Report is ADOPTED. Plaintiff’s motion is granted. The Commissioner’s motion is denied. The Commissioner’s decision denying benefits is vacated, and this matter is remanded to the agency for further proceedings.

The Clerk of Court is respectfully directed to close the case.

Dated: June 10, 2021  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE